

SENATE BILL 780
By Burchett

AN ACT to amend Tennessee Code Annotated, Title 55,
Chapter 8, Part 1, relative to trucks and
semitrailers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 8, Part 1, is amended by
adding a new section thereto, as follows:

Section 55-8-194.

(a) Any commercial vehicle, subject to registration and operated on a highway,
that is equipped with an engine compression brake device is required to be equipped
with a muffler in good working order for such brake device.

(b) The use of an engine compression brake device is prohibited in any county or
municipality that adopts a resolution or ordinance prohibiting use of such brake devices.

(c) For the purposes of this section:

(1) "Commercial vehicle" means any vehicle that is operated in the
furtherance of any commercial enterprise;

(2) "Engine compression brake" means a device that converts a
power-producing diesel engine into a power-absorbing air compressor,
resulting in a net energy loss; and

(3) "Unmuffled engine brake" means an engine brake that is not
equipped with a muffler in good working order.

(d) The department of transportation shall adopt uniform standards for posting
signs by counties or municipalities informing drivers that:

(1) The use of unmuffled engine braking is prohibited in such county or municipality;

(2) A penalty may be assessed for violation of this section.

(e) It is not a violation of this section to use an unmuffled engine brake in an emergency situation to avoid imminent danger to a person or to property.

(f) A violation of this section is a Class B misdemeanor, punishable by a fine only of up to five hundred dollars (\$500).

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.